

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A REGULAR MEETING ON TUESDAY, APRIL 2, 2019.

Present were Clifford Thier, Chair; and Commissioners Bob Breckinridge, Michael Feldman, Jed Usich, and Dean Applefield. Absent were Vice-chair Michael Beauchamp and Commissioner Martha Dean. A quorum was present. Also present were John McCahill, Planning and Community Development Specialist/Wetlands Agent; Kari Olson of Murtha Cullina, LLP, Town Attorney.

Present on behalf of the application were David Ziaks, PE and President of F. A. Hesketh & Associates, Inc.; William Richter, AIA, ASLA, of Richter & Cegan, Inc.; Tony Giorgio of The Keystone Companies, LLC; Bill Ferrigno of Sunlight Construction, Inc.; Michael Klein, Certified Soil Scientist of Davison Environmental; and Attorneys Thomas Fahey and Carl Landolina, of Fahey & Landolina, Attorneys LLC. Present on behalf of Nod Road Preservation, Inc. was Attorney Brian Smith, of Robinson & Cole.

Chairman Thier called the meeting to order at 7:00 p.m.

**OUTSTANDING APPLICATION**

**APP. #759** – Blue Fox Run Golf Course, LLC; Nod Road Properties, LLC; Cornor Properties, LLC, owners/applicants: Requesting a map amendment to depict accurate information based on detailed field mapping and soil evaluations on subject properties. Locations: 65 Nod Road, Parcel 3290065; 117 Nod Road, Parcel 3290117; and 231 Nod Road, Parcel 3290231.

Chairman Thier introduced the outstanding application and indicated that the Town Attorney would speak first.

Town Attorney Olson requested that the Commission members acknowledge whether or not they were present for every public hearing related to Inland Wetlands Commission Application #759. She asked that commissioners state for the record their compliance with the Commission's obligation to review all of the submitted materials and listen to the audio recordings of the meetings. It was brought to her attention that a mass-mailed letter with information related to this property and its potential future development was sent to the Avon Town residents by the development team. She inquired whether or not the commissioners had received such letter. Chairman Thier and Commissioners Breckinridge and Usich stated that they had not received the letter. Commissioners Applefield and Feldman indicated that they had received the letter. Commissioner Applefield stated that he did not read the letter. Commissioner Feldman stated that he read the letter very carefully, however he would not consider the information in the letter in his decision on the application. Town Attorney Olson stated for the record that the letter did refer to the property at issue, the letter had nothing to do with this application, and it did not discuss the application. Notwithstanding, she stated that the Commission should disregard the letter, and it should not have any bearing on the Commission's decision tonight. She asked that the Commission members acknowledge their disregard of the letter at the time of their statements regarding their decisions.

Chairman Thier asked commissioners to state whether they had been to all of the meetings, listened to the meeting audio recordings, and if they had familiarized themselves with all of the materials that had been presented for this application.

Chairman Thier, and Commissioners Breckinridge and Feldman stated that they had been present at all of the meetings. Commissioner Usich stated that he had not been present at every meeting, however he listened to all audio recordings and read the minutes. Commissioner Applefield stated that he had not been present at all of the meetings, however was not aware of his obligation to listen to all of the audio recordings, and thought that if he read all of the minutes it would suffice. He read the minutes of the meeting that he did not attend and reviewed the materials that had been provided by the applicant and members of the public. Commissioner Applefield inquired of Town Attorney Olson if that preparation was adequate.

Town Attorney Olson responded that she would review the minutes to see the level of detail and whether they were accurate and thorough, however she did not have a copy of the minutes.

Commissioner Applefield stated that since he had not read the mass-mailed letter, he would not be influenced by it.

John McCahill stated for the record that the planning department produces very detailed and characteristically accurate minutes.

Town Attorney Olson agreed.

Chairman Thier requested of those present from the public that, before the Commission votes this evening, they respectfully refrain from making audible noises in support or disapproval of the Commission members' deliberations and decisions.

Commissioner Feldman commented on the staff memorandum to the Commission, dated March 22, 2019, which contains a format for decision that he did not feel correctly stated the issue before the Commission. The format does not refer to the regulations and it does not discuss the standards for approving or disapproving a map amendment. It seems to shift the burden of proof to the intervenor when the burden is on the petitioner. The format is using language and standards from the intervention statute and trying to apply them to the merits of the map amendment. However, for purposes of the record, it is clear that the Commission is voting on the map amendment. The issue before the Commission is whether the petitioner sustained its burden of proof in accordance with the regulations to reestablish watercourse and wetland boundaries; taking into account the actual character of the land, the distribution of wetland soil types, the location of watercourses, and referring to Sections 3.1 and 3.2 of the Town regulations. He requested that the record reflect this issue with respect to the map amendment in the format for decision.

Town Attorney Olson agreed.

John McCahill mentioned that Section 10.2 in the Town regulations specifies criteria that the Commission should also apply.

Commissioner Breckinridge requested input from his fellow commissioners. He was struggling with the idea that there were amendments made in 2004. At the last Town of Avon Inland Wetlands Commission meeting, Commissioner Applefield felt that had not happened. This is pertinent to the issue.

Commissioner Applefield recalled the discussion at that meeting, that either this application is seeking an amendment to the 2004 soils mapping that was associated with an application at the time, or the current applicant is seeking an amendment to the existing Town of Avon Inland Wetlands Map, which would not reflect the approvals that were made in 2004.

Commissioner Breckinridge stated that it appeared amendments were made in 2004, since the project was based on them. According to testimony, it seems that those amendments were never incorporated into the Town of Avon Inland Wetlands Map. Commissioner Breckinridge felt that the 2004 amendments hold legal standing as now being the true wetlands delineations.

Commissioner Feldman stated that he was not struggling much with that issue. The petitioner has made a request for a map amendment to change the wetland boundaries, and the applicant has been consistent in telling the Commission where the boundaries should be delineated in the maps that have been provided. What the former maps were, is less of an issue; it is what the new map would look like if the Commission grants the application.

Commissioner Applefield stated that there is a process in the Commission's regulations for holding a hearing on an amendment to our map or regulations to incorporate those changes. This process has not happened for the changes that were made in 2004. Unless and until that happens, the existing Town of Avon Inland Wetlands Map remains the map to be modified. He agreed with Commissioner Feldman to some degree on the issue of whether the Commission should move the boundaries on whichever map it uses. There is a process that the Town must go through, and unless that happens, the Town map has not been amended.

Commissioner Breckinridge stated the Commission was told that the Town had updated that map through 2003. However, the Commission did not meet on all of the amendments, it was updated based upon the approval of various projects and where the Commission had approved the wetlands.

John McCahill clarified that for the process in 2003, staff scanned and digitized a number of maps and then created a new map which was then brought to the Commission as part of a public hearing, and the Commission adopted that new map. That was the process to which Commissioner Applefield was referring. The Commission did go through a public hearing process to affect that information and incorporate it on a map and formalize it.

Commissioner Breckinridge sought confirmation that based upon John McCahill's comments, the changes made in 2004 are not officially approved, and the Commission will have to return to the original Town map. The reason why that is important is that the 2004 map incorporates almost all of the changes that the Commission is reviewing. If the Commission votes against the application, wetlands will be lost, and not gained. That is the question for this whole time; will it

really matter if the Commission approves or disapproves the application if we return to the 2004 map versus the earlier map?

Commissioner Applefield stated that where the Commission goes back to and what it ends up with at the end of the day is not really the question. It may be something that Commissioner Breckinridge is thinking about, but the only question is whether the Commission can move the map line, as the applicant has requested of the Commission. Commissioner Applefield believed that the Commission would see a loss of wetlands and return back to the original official Town map. The question before the Commission is whether the applicant has met its burden in order to authorize the Commission to change the map in the way that has been requested.

Commissioner Breckinridge inquired of Commission Applefield whether he was willing to accept the possibility that the Town could lose wetlands depending on its decision.

Commissioner Applefield stated that whenever town staff gets around to digitizing the applications, the official Town map will gain the wetlands again.

Commissioner Breckinridge stated that wetlands are lost in the 2004 map, and they are gained with this new proposal.

Commissioner Applefield clarified that the official Town map increased the amount of wetlands until 2004. When the town staff digitizes the application and the Commission goes through the process of approving all of the other changes that were made prior to that, the Town will then have the 2004 map.

Commissioner Feldman stated that the hearing process has been very interesting. He then read from the following prepared statement: Let me first thank the petitioner and intervener and their attorneys and consultants for very thorough, professional and enlightening presentations. And also thank members of the public who stepped forward to share their views and provided important information. The decision we are asked to make is a big deal – the decision to change the map and re-designate wetland boundaries. First of all it is a final, permanent irreversible decision – we can't change our minds later and put the wetlands back in five or fifty years. The other reason it is a big deal is that we are not talking about a slight modification of a few yards to make room for a driveway or home addition. Rather we are being asked to remove a total of approximately twenty-two acres of wetlands including a discreet twelve acre area by Nod Road. We have heard significant evidence that the area in question is subject to extensive and regular flooding. This seems to be undisputed. The petitioner says this is not flooding but rather "ponding" – but for purposes of this discussion, I don't think that this distinction is relevant. In any event, it is an area that is wet, often saturated and poorly drained. Petitioners have argued that lands that are wet are not necessarily wetlands. They say we should ignore evidence of regular flooding. Yet even as they say we should ignore evidence of flooding, they say that we should use flood plain maps to reestablish wetland boundaries. I think there is something logically inconsistent with that approach – that is – use flood plain boundaries even though flooding is irrelevant. But more importantly this approach is inconsistent with our wetlands regulations. Our regulations – Section 3.1, requires that wetland boundaries be set with a "precise location." The regulations do not allow for a substitute standard or an approximation.

Rather the boundary locations must be precise according to our regulations. The petitioners have told us that they are taking a “conservative” approach. But the regulations don’t call for a “conservative” or “liberal” approach – only a precise location. Using some other standard – even if “conservative” – could create its own mischief. Because it will open the door to others down the road to push boundaries back further. So the reason the petitioners use the flood plain maps as a substitute, is because admittedly – due to the disturbances and alteration of the soils – they cannot determine the “precise extent” of the alluvial soils and flood plain soils. But the regulations require precision, regardless of how difficult that may be, and the petitioner can’t meet that burden of proof. This leads to another concern. Given the extensive disturbance of the soils it is that much more difficult to determine whether the soil tests are testing disturbed areas or fill or regraded soils, or whether they are testing the native soils. Another point. We are charged not only with protecting wetlands, but also protecting water courses. Water courses are broadly defined in our regulations and the statute to include saturated areas like bogs, vernal pools and swamps. Petitioner has made no showing that these don’t exist in the area in question – and again the burden of proof is squarely on the petitioner. Finally, we cannot completely ignore the petitioner’s motivation in seeking this amendment. They propose adding wetlands in areas that do not affect the proposed development; and take away wetlands from areas that would otherwise impinge on the development plans. The petitioner’s request is not consistent with the letter or spirit of our regulations or with the need to preserve wetlands. They have not met their burden of proof and I intend to vote against the petition.

Commissioner Usich commented that he did not have a formal statement prepared as such. He had no further comments or questions.

Commissioner Applefield indicated that he echoed much of Commissioner Feldman’s statements. He reviewed Section 15.5c of the Town’s regulations, which requires documentation from a soil scientist on the distribution of wetland soils on the subject land, and this specifically includes the need for the documentation of wetland soils on the land, and defining the boundary of wetland soil types, as Commissioner Feldman indicated. In this case, the soils are disturbed for the largest area on the map. He appreciated that in the exercise of professional judgement, the applicant’s soil scientists both suggested that the Commission should change the wetland boundaries based upon the 100-year floodplain line. This is essentially a surrogate, and it is not disputed. It is a recognition that the site’s prior disturbance by the applicant has made it difficult to determine where the wetlands begin and/or where they end. He reframed his statement to note that it was not this applicant. Regardless of the reasonableness of that surrogate, there is dispute over whether it should be a 500-year floodplain line or a 100-year floodplain line. Regardless of that, the Town’s regulations do not allow for the use of a surrogate, and they do not allow for the use of professional judgement. The actual distributions of wetlands must be found on the land, as indicated under Section 3.1, with precision, and this is also echoed in regulations Section 15.5c. The Commission is simply not allowed to use the methodology being advanced by the applicant. He differentiated that this was not a case where the line has been clear, and that the Commission just needed a soil scientist to draw between dots on a map. In this particular case, and the context is important, this is a wetlands boundary map. In this particular context, the wetlands have to be identified exactly where they are, and the use of a surrogate cannot be employed. This is important as the foundation underlying the decision. In the applicant’s soil scientists’ best judgement, they may view it to be conservative. If the Commission adopts that

approach, and three years from now, another applicant comes before the Commission to say that it disagrees with that soil scientists' approach, the applicant may think that a different approach should be taken. Lacking a grounding in the decision of the actual character of the wetlands on the land, removes the ability for the Commission to have a foundation underlying the decision. Different people, at different points in time, might attempt to use different surrogates. The regulations do not authorize the Commission to approve surrogates, whether they result in larger or smaller wetlands protection. The other issue which causes discomfort in moving forward, is making a decision based on the findings that were submitted. There were soil scientists who provided data which were not really intelligible. The data required some explanation. The applicant's soil scientists refused to do this. They relied upon statements such as, I am a soil scientist and this is what the data says and I do not have to explain it. Commissioner Applefield was left with an absence of a foundation to make the findings necessary to figure out where those lines are. He was also concerned with a document which identified how the National Cooperative Soil Survey of the Natural Resources Conservation Service dealt with identifying wetland soils when the wetlands could have been impacted by dams or levies. That issue was not really explored. It was assumed that dams and levies had affected the wetland or the area where this mapping was going to be undertaken, but not in a way that seemed to account for the need in the document to raise the issue for the potential impact of dams and levies. For both of those reasons, Commissioner Applefield will not vote in support of the amendment. In the past, the Commission has allowed that in a different context of an application, and the context was different. However, the past decisions of the Commission may have been incorrect, and the Commission is not required to continue to make mistakes if the Commission thinks they were incorrect.

Commissioner Breckinridge stated his awareness of the emotional issue of the application. He is a lifelong resident of the Town of Avon, and still struggles with the issue. A commissioner's obligation is to follow the rules and regulations, and not use emotions to make a decision. He strongly feels that changes were previously made to the map and it puts a certain burden on the Commission in terms of what was done before. He was very concerned, if the Commission votes against the application, that more of a problem will be created for the wetlands. He still did not have an answer in this regard. He strongly appreciated the input from the public, and the concerns of his fellow commissioners, however the Commission has followed the regulations over the years and when soil scientists present to the Commission with what they consider as facts, and there is no counter argument to them, then we have to look at the facts as presented and accept them. The soil scientists here have provided the Commission with much more information than the Commission has ever had, and rightly so since this is a heated issue. What else could they do in this situation? There has been a precedent by this Commission to accept what was done with the same soil scientists. He was not comfortable with the application or the development. However, that is not what the Commission is voting on. The Commission is here to try and clarify where the wetland boundaries are on this property. If the application is voted down, the Commission will not solve the problem, it will be worsened. That is the deep concern. Commissioner Breckinridge will vote to approve it for that reason. It is not a vote for the project itself, it is just to establish the wetland boundaries. That should be very clear.

Chairman Thier called for a vote on the application.

Town Attorney Olson indicated that a motion to vote was required.

Commissioner Feldman responded to Commissioner Breckinridge. He drew the Commission's attention to Map 3.2, which is the wetland comparison, it clearly shows that by approving the proposed wetland boundaries, the Commission would be eliminating substantial areas of wetlands.

Commissioner Breckinridge stated that was incorrect, if looking at the original map. Looking at the 2004 map, wetlands are actually gained. That seems to be the confusion here, and is the concern.

Commissioner Applefield was not clear on Commissioner Breckinridge's issue. He did not understand why a vote against the application would cause more problems. The map is whatever the map is.

Commissioner Breckinridge inquired that if the application is voted down, what would transpire afterward. We are not voting on the project. What would happen with the project?

Commissioner Applefield stated that the vote had nothing to do with the project.

Chairman Thier indicated that the same would happen whether the application was voted in favor or against.

Commissioner Breckinridge stated that the issue would come back again. It has already been stated for the record that, in the difference between the 2004 map and the current map, the applicant's proposal is a gain of 4.5 acres of wetlands. Based on the data, and the fact that the Commission did approve it in 2004, even though it was not officially incorporated in the map, legally it will be declared that it is the official map. If we vote it down, everything will go back to the 2004 map based on any proposal for this property, which means 4 acres of wetlands have been lost.

Commissioner Feldman stated that issue was not before the Commission.

Commissioner Breckinridge stated that he was aware.

Chairman Thier and Commissioner Applefield concurred that it was not relevant to the Commission's decision.

Chairman Thier stated that the Commission must focus entirely and exclusively on tonight's decision without concern about whether it will come back to the Commission again, or whether or not there is an application for housing on the property. There is one issue, and that is whether the applicant has met its burden of proof to convince the Commission that there are no wetlands where the applicant has indicated. No one else has to dispute it. It is not an instance where the burden of proof shifts to anyone else. If no one else spoke against it, the Commission is still confronted with the same question. Do we accept the information as accurate as was presented to the Commission? If each commissioner is persuaded that there are no wetlands in the area,

then commissioners must approve the application. If commissioners are not persuaded, for whatever reason, and it does not have to be the same reason from person-to-person, each commissioner must decide whether or not he/she is persuaded based upon the information presented to the Commission. You can consider, and certainly weigh what opponents have said, however the burden does not shift to the opponents merely because they are opponents. If a commissioner is not certain whether there are wetlands in the area of the property, then he/she needs to vote against the application. If a commissioner is persuaded and believes the information presented and argued by the applicant, and the applicant has met its burden of proof, then the commissioner needs to vote in favor of the application. Any other consideration should not enter into a commissioner's decision-making.

Town Attorney Olson stated that no commissioner actually presented a motion for discussion, yet commissioners began discussing the application. A commissioner can make a motion on whether to approve the application, and the motion has to be seconded, and any further comments can be added, and then the Commission can vote.

John McCahill inquired whether there needed to be a motion on the intervenor status.

Town Attorney Olson stated that there does not need to be a motion on the intervenor status. However, she advised that the Commission should make a finding that the intervenor has established that there is a likelihood of unreasonable pollution impairment or destruction of the wetlands.

Commissioner Feldman disagreed. He believed that issue had already been decided. It is behind the Commission. Whether or not the Commission has decided correctly, the intervenor is acknowledged and the Commission does not need to address that question.

Commissioner Applefield wished to bifurcate that question. He wanted to talk further about the issue. He did not agree with the issue's standing. However, he stated the need to make the motion for the Commission's discussion.

Chairman Thier inquired which commissioner wished to make a motion to approve the application, with whatever standard conditions John McCahill has for the application, if there are any.

Commissioner Applefield moved for the Commission to deny Application #759 requesting a map amendment.

Town Attorney Olson indicated that the motion needs to be stated in the affirmative otherwise there would be a host of other issues with which the Commission would contend.

Chairman Thier motioned to approve Application #759 as presented to the Commission previously.

Commissioner Breckinridge seconded the motion.



Chairman Thier asked the commissioners if anyone wished to discuss issues regarding Application #759, the proposal to amend the map, in addition to those already debated this evening. None offered any additional discussion.

Chairman Thier asked for all those in favor of approving the application to say *aye* or raise their hands. Commissioners did not respond in the affirmative. He asked for all those opposed to the application to respond. All commissioners were opposed. The motion to approve failed/application denied.

Commissioner Applefield inquired whether or not he could comment on the intervenor status.

Chairman Thier stated that it was on the record that the intervenor had already been accepted and the Commission's decision was based on the application.

Town Attorney Olson stated that at this point, the application has been denied.

Commissioner Applefield stated that the intervenor has been accepted in the preceding, however there is a separate question which arises from whether or not the intervenor has satisfied its burden to show that there is unreasonable pollution. The applicant has its own burden, and that does not mean that if the intervenor does not satisfy its burden, then the applicant wins. In order for the intervenor to prevail, its burden would need to be satisfied.

Chairman Thier stated that the intervenor can provide information, but it does not have to prevail on anything for the Commission to make its decision. The burden is entirely on the applicant.

Town Attorney Olson disagreed.

Commissioner Applefield stated that the intervenor intervened under Connecticut General Statute Section 22a-19 (CGS § 22a-19). The statute places a burden on the intervenor. The intervenor has the burden to prove that the facility or project in question will cause unreasonable pollution, if the intervenor will prevail under CGS § 22a-19. That analysis is separate and distinct from the burden of the applicant to demonstrate that it is entitled to the map amendment. It is possible for both to lose.

Chairman Thier stipulated that there was a burden of proof for the intervenor, for purposes of this discussion. He inquired if the Commission had voted that the intervenor had met its burden of proof.

Town Attorney Olson and Commissioner Applefield concurred that under CGS § 22a-19 there would be an additional burden.

Chairman Thier sought to clarify that if the intervenor met its burden of proof, it simply adds to the applicant's burden of proof.

Commissioner Applefield stated that it would be an additional burden to demonstrate that there is no feasible alternative.

Commissioner Feldman stated that this particular statute is garbled.

Commissioner Applefield stated there could be implications for appeals purposes.

Town Attorney Olson stated that the Commission should appreciate the fact that it is a separate issue for the intervenor. The Commission could well deny an application on procedural grounds, for example, if two commissioners thought the burden did not meet the Town's regulations. There could be another basis for denial.

Chairman Thier inquired that if the Commission had decided that the intervenor had met its burden of proof, would there be an additional burden on the applicant as only to that issue raised.

Town Attorney Olson stated that there is an additional burden to support that there is no feasible and prudent alternative.

Commissioner Feldman indicated that the concept of a reasonable and prudent alternative makes absolutely no sense in this context. This is not a situation where an applicant requests a 75-foot driveway and instead the Commission grants a 55-foot driveway. Either the map gets amended or it does not. The statute is a round peg in a square hole.

Commissioner Applefield stated that the intervenor is here by virtue of the fact of its presence, and if the statute was not there, the intervenor would have no grounds to intervene in this proceeding.

Commissioner Feldman suggested revoking the intervenor status.

Commissioner Applefield stated it was not a matter of revoking the status, they are intervenors and allowed to intervene. As a participant in the proceeding, their burden was to show that if the Commission had granted the application it would result in unreasonable pollution.

Commissioner Feldman commented that everyone was allowed to participate in the proceeding.

Commissioner Applefield stated that participants did not participate like the intervenor had in the hearing.

Town Attorney Olson stated that the intervenor has party status.

Chairman Thier ended the discussion, as it was academic in nature. The Commission could revisit the discussion if it arises in the future, however for now, the issue was closed. He inquired regarding the agenda and whether there were other items before the Commission.

John McCahill responded there were additional agenda items slated for the evening.

Chairman Thier granted the Commission a five-minute recess.

Chairman Thier returned the meeting to order.

### NEW APPLICATION

John McCahill presented Application #760, listed on the agenda. However, he indicated that due to the type of meeting and voting tonight, he advised the applicant that its application would be considered at a special meeting of the Commission. The date for this meeting was then discussed, and determined to be held tentatively on Wednesday, April 17, 2019, at 7:00 p.m., in the Town Selectmen's Chamber. The application comprises a proposal for a two-lot subdivision on Lovely Street that was previously approved by the Planning and Zoning Commission and the Inland Wetlands Commission, when the regulated setbacks were 40 feet from wetlands and 80 feet from watercourses. A declaratory ruling was made that there were no regulated activities at the time when the applicant received the approval through the planning and zoning process. Nothing was done with these properties, and they sat vacant during the past approximately 12 years. Now the properties are subject to the 100-foot setback for regulated activities. The applicant is trying to move forward with what was shown schematically approximately 12 years ago. The property is owned by the Grunewald family and is now in negotiations for purchase.

Commissioner Applefield questioned why the Commission had to meet earlier than the next regularly scheduled Inland Wetlands Commission meeting date in May.

John McCahill responded that he was trying to accommodate the applicant, since he has a purchase contract, and his application was already postponed due to the complexity of the meeting for Application #759. The cutoff date for the regularly scheduled May meeting has not arrived yet.

### APPROVAL OF MINUTES

John McCahill stated that the Commission needed to approve the minutes as indicated on the agenda.

Chairman Thier inquired if there was a motion to approve the minutes.

- Minutes - January 8, 2019: Commissioner Applefield motioned to approve the minutes as submitted, and Commissioner Breckinridge seconded the motion; all were in favor, with none opposed, and the minutes were approved.
- Minutes - February 5, 2019: Commissioner Breckinridge motioned to approve the minutes as submitted and Commissioner Usich seconded the motion; all were in favor, with none opposed, and the minutes were approved.
- Minutes - February 13, 2019: Commissioner Usich motioned to approve the minutes as submitted, and Commissioner Breckinridge seconded the motion; all were in favor, with none opposed, and the minutes were approved.
- Minutes - March 5, 2019: Commissioner Feldman stated the need to amend the minutes to show that Commissioner Usich was present at this meeting. Commissioner Usich motioned to amend the March 5, 2019 minutes, and Commissioner Breckinridge seconded the motion; all were in favor of the amendment. Commissioner Applefield motioned to approve the amended March 5, 2019 minutes, and Commissioner Breckinridge seconded the motion; all were in favor, with none opposed, and the amended minutes were approved.

NEXT REGULARLY SCHEDULED MEETING

The next regularly scheduled meeting is Tuesday, May 7, 2019.

There being no further business, the meeting adjourned at 8:00 p.m.

Susan Guimaraes, Clerk  
Inland Wetlands Commission  
Town of Avon Planning and Community Development